IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5458 OF 2005

Mohan Kashinath Mane. ...Petitioner
V/s.
Chairman & Managing Director,
Konkan Railway Corporation Ltd. & Anr. ...Respondents

Mr.B.V. Phadnis i/b. R. Ramamurthy for Petitioner.
Mrs.Kiran Bhagalia with Asha Bhambwani and Lalita Panchakshari for Respondents.

CORAM : F.I. REBELLO AND SMT.R.S. DALVI, JJ.

DATED : NOVEMBER 17, 2005

P.C. :-

. The respondents have filed their reply. It is pointed out that the petitioner for the post of Trackman to which he had applied and was selected, is medically unfit and in these circumstances, his services came to be terminated. Considering the affidavit filed on behalf of the respondents, we did not find that the action is arbitrary considering the nature of the post and hence, no interference in the action taken by the respondents is called for.

2. The petitioner is a person whose part of the land has been acquired. In these circumstances, on

behalf of the respondents, learned Counsel makes a statement that the petitioner will be considered as a person who land has been acquired and as such belong to special class as and when vacancies are notified and if the petitioner applies against such vacancies. The statement made on behalf of the respondents accepted.

3. In the light of the above, interim order stands vacated. Petition disposed of.

(F.I. REBELLO, J.)

(SMT.R.S. DALVI, J.)